

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Claudio R. BALLARD                      Group Art Unit: 3693  
Appl. No. : 09/454,492                              Examiner: Richard C. WEISBERGER  
Filed : December 6, 1999                          Confirmation No.: 3808  
For : REMOTE IMAGE CAPTURE WITH CENTRALIZED PROCESSING  
AND STORAGE

**COMMUNICATION TO THE OFFICE**

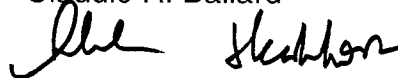
July 14, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

An Office Action was mailed January 14, 2009 for the above-identified application. Applicant's representative requested the Office to vacate the Action on the grounds that it is defective, and communicated with both the Examiner and SPE assigned to this case, as indicated in the attached E-mail correspondence. Accordingly, for the record of the subject application, written correspondence under 37 CFR §1.2 was received by Applicant from the Office which stated that the Office Action mailed January 14, 2009 was withdrawn, and that a new Office Action would be forthcoming. As such, no response to the January 14, 2009 Office Action is required.

Respectfully submitted,  
Claudio R. Ballard



Abraham HersHKovitz  
Reg. No. 45,294

Attachments: E-Mail Correspondence dated:  
2/2/2009; 2/10/2009, 5/26/2009,  
6/26/2009; 7/10/09; and 7/13/2009

HERSHKOVITZ & ASSOCIATES, LLC  
2845 Duke Street  
Alexandria, VA 22314  
(703) 370-4800 (tel)  
(703) 370-4809 (fax)  
Email: patent@hershkovitz.net

Patricia Jaquett

---

**From:** Weisberger, Richard [Richard.Weisberger@USPTO.GOV]  
**Sent:** Monday, July 13, 2009 1:02 PM  
**To:** 'Patricia Jaquett'  
**Subject:** RE: Vacated Restriction Requirement and Replacement Office Action in US Patent Application No. 09/454,492; Our Ref. P43312

Hi Tricia

The corrected action was submitted will be counted and mailed today. I apologize for the delay.

Respectfully, Richard

---

**From:** Patricia Jaquett [mailto:pjaquett@hershkovitz.net]  
**Sent:** Friday, July 10, 2009 10:31 AM  
**To:** Kramer, James  
**Cc:** Weisberger, Richard; patent@hershkovitz.net  
**Subject:** Vacated Restriction Requirement and Replacement Office Action in US Patent Application No. 09/454,492; Our Ref. P43312

Dear SPE Kramer:

Thank you for speaking with me this morning regarding the above-noted application, and we look forward to receiving the Communication which you indicated would be mailed by Monday, July 13, 2009.

Your valuable assistance in this matter is greatly appreciated.

Respectfully,

*Tricia Jaquette*

**HERSHKOVITZ & ASSOCIATES, LLC**

2845 DUKE STREET  
 ALEXANDRIA, VA 22314  
 TEL: (703) 370-4800  
 FAX: (703) 370-4809  
 E-Mail: [patent@hershkovitz.net](mailto:patent@hershkovitz.net)

\*\*\*\*\*  
 THIS MESSAGE contains information that is CONFIDENTIAL and legally exempt from disclosure and that is intended only for the addressee of this message. IF YOU are not the addressee or a person responsible for delivering this message to the addressee, then do not copy or deliver this message to anyone and please delete this message and contact us at +1.703.370.4800. Thanks.  
 \*\*\*\*\*

---

**From:** Weisberger, Richard [mailto:Richard.Weisberger@USPTO.GOV]  
**Sent:** Friday, June 26, 2009 1:03 PM  
**To:** Patricia Jaquett  
**Subject:** RE: Vacated Restriction Requirement Vacated and replacement Office Action in US Patent Application No. 09/454,492; Our Ref. P43312

Tricia,

I am working on the repaqlcment action now. Sorry for the delay.

Richard

---

**From:** Patricia Jaquett [mailto:pjaquett@hershkovitz.net]  
**Sent:** Tuesday, May 26, 2009 10:11 AM  
**To:** Weisberger, Richard  
**Cc:** Kramer, James; patent@hershkovitz.net  
**Subject:** Vacated Restriction Requirement Vacated and replacement Office Action in US Patent Application No. 09/454,492; Our Ref. P43312

Dear Examiner Weisberger:

We look forward to receiving the replacement Office Action in the above-noted application.

Regards,

*Tricia Jaquette*

**HERSHKOVITZ & ASSOCIATES, LLC**

2845 DUKE STREET  
 ALEXANDRIA, VA 22314  
 TEL: (703) 370-4800  
 FAX: (703) 370-4809  
 E-Mail: [patent@hershkovitz.net](mailto:patent@hershkovitz.net)

\*\*\*\*\*  
 THIS MESSAGE contains information that is CONFIDENTIAL and legally exempt from disclosure and that is intended only for the addressee of this  
 \*\*\*\*\*

7/13/2009

message. IF YOU are not the addressee or a person responsible for delivering this message to the addressee, then do not copy or deliver this message to anyone and please delete this message and contact us at +1.703.370.4800. Thanks.

---

**From:** patent [mailto:patent@hershkovitz.net]  
**Sent:** Tuesday, February 10, 2009 12:25 PM  
**To:** 'Weisberger, Richard'  
**Cc:** 'Kramer, James'; 'Tricia'  
**Subject:** RE: Attorney Phone Call; Application 09/454,492; Our Ref:P43312

Thank you, Examiner Weisberger.

*Abe Hershkovitz*

## Hershkovitz & Associates, LLC

2845 Duke Street Alexandria, VA 22314  
Tel: (703) 370-4800 | Fax: (703) 370-4809 | [patent@hershkovitz.net](mailto:patent@hershkovitz.net); [www.hershkovitz.net](http://www.hershkovitz.net)

---

THIS MESSAGE contains information that is CONFIDENTIAL, legally exempt from disclosure and intended only for the addressee. IF YOU are not the addressee or a person responsible for delivering this message to the addressee, do not copy or deliver this message to anyone; please delete this message and contact us at +1-703-370-4800. Thank you.

---

**From:** Weisberger, Richard [mailto:Richard.Weisberger@USPTO.GOV]  
**Sent:** Tuesday, February 10, 2009 12:00 PM  
**To:** patent@hershkovitz.net  
**Cc:** Kramer, James  
**Subject:** RE: Attorney Phone Call; Application 09/454,492; Our Ref:P43312

As agreed last week, the previous restriction will be vacated and an office action will follow.

---

**From:** patent [mailto:patent@hershkovitz.net]  
**Sent:** Tuesday, February 10, 2009 11:52 AM  
**To:** Kramer, James; Weisberger, Richard  
**Cc:** 'Tricia'  
**Subject:** RE: Attorney Phone Call; Application 09/454,492; Our Ref:P43312

Dear Mr. Kramer and Mr. Weisberger:

We have been unable to get a return call relative to this case, though we are under the impression that the latest restriction requirement will be vacated. In order to "stop the clock from running", please send us a formal interview summary as soon as possible confirming that the Office action would be vacated. Thank you.

*Abe Hershkovitz*

## Hershkovitz & Associates, LLC

2845 Duke Street Alexandria, VA 22314  
Tel: (703) 370-4800 | Fax: (703) 370-4809 | [patent@hershkovitz.net](mailto:patent@hershkovitz.net); [www.hershkovitz.net](http://www.hershkovitz.net)

---

THIS MESSAGE contains information that is CONFIDENTIAL, legally exempt from disclosure and intended only for the addressee. IF YOU are not the addressee or a person responsible for delivering this message to the addressee, do not copy or deliver this message to anyone; please delete this message and contact us at +1-703-370-4800. Thank you.

---

**From:** Kramer, James [mailto:James.Kramer@USPTO.GOV]  
**Sent:** Monday, February 02, 2009 12:51 PM  
**To:** Weisberger, Richard  
**Cc:** patent@hershkovitz.net  
**Subject:** Attorney Phone Call

Richard - I received a couple call last week from Trisha with respect to application 09454492. I'm cc-ing her on this email.

Please get in touch with them ASAP to take care of this case. It looks like the last three actions from you were all Requirements of Restriction/ Election. I think it's time for a conversation so that we can move this case forward.

Thanks  
Jay

7/13/2009